

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

As a preliminary matter, in the Office Action mailed September 27, 2005, the Examiner did not indicate that the "Foreign Patent Documents" and the "Other Art - No Patent Literature Documents" on the PTO-1449 forms mailed October 23, 2003 were considered and made of record by initialing the corresponding box on the PTO-1449 form. The Examiner indicated next to the art in these sections that the references were not included with the Information Disclosure Statement. As indicated on the Information Disclosure Statement mailed by applicants on October 23, 2003, "pursuant to 37 C.F.R. §1.98(d), no copies of cited art are enclosed. Prior art has been previously cited in parent application no. 10/269,364, filed October 11, 2002."

As such, applicant respectfully request that the Examiner indicate that this reference has been considered and made of record.

Office Action Rejections Summary

Claims 1-92 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-93 of U.S. Patent No. 6,433,580 of Ting ("Ting").

Status of Claims

Claims 1-110 are pending in the application. Claims 1-5, 24, 34, 38, 42-45, 52, 67, 69, 78, and 83 have been amended to more properly define a preexisting claim limitation. The amended claims are supported by the specification. Claims 93-110 have been added. No new matter has been added. No claims have been canceled.

Claim Rejections

Claims 1-92 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-93 of Ting. Applicant is filing a terminal disclaimer herewith and, therefore, submits that the double patenting rejection has been overcome.

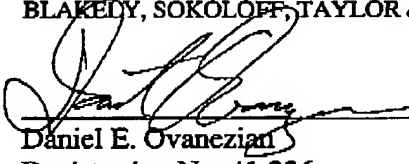
In conclusion, applicant respectfully submits that in view of the response set forth herein, the applicable rejections have been overcome. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 10/13, 2005


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office (Central Facsimile Number 571-273-8300) on 10/13/05.

By


Juanita Briscoe

Date

10/13/05